

1 Patrick R. Kitchin, Esq. (SBN. 162965)
 2 **THE LAW OFFICE OF PATRICK R. KITCHIN**
 3 565 Commercial Street, 4th Floor
 4 San Francisco, CA 94111
 5 415-677-9058
 6 415-627-9076 (fax)
 7 Attorneys for Plaintiffs Janis Keefe, Corinne Phipps,
 8 Justin Kiser and Renee Davis

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**UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

10 ANN OTSUKA, an individual; JANIS KEEFE,) Case No.: C-07-02780 SI
 11 an individual; CORINNE PHIPPS, an)
 12 individual; and JUSTIN KISER, an individual;)
 13 individually and on behalf of all others similarly) **DECLARATION OF PATRICK R.**
 14 situated, RENEE DAVIS, an individual;) **KITCHIN IN SUPPORT OF**
 15 individually and on behalf of all others similarly) **PLAINTIFFS' REQUEST FOR ORDER**
 16 situated) **PERMITTING NOTICE TO CLASS**
 17) **(FEDERAL RULE OF CIVIL**
 18) **PROCEDURE 23(c)(2))**
 19 Plaintiffs,)
 20 vs.)
 21)
 22 POLO RALPH LAUREN CORPORATION; a)
 23 Delaware Corporation; POLO RETAIL, LLC., a)
 24 Delaware Corporation; POLO RALPH)
 25 LAUREN CORPORATION, a Delaware)
 26 Corporation, doing business in California as)
 27 POLO RETAIL CORP; and FASHIONS)
 28 OUTLET OF AMERICA, INC., a Delaware)
 Corporation) **JUDGE: Hon. Susan Illston**
) **LOCATION: Courtroom 10, 19th Floor**
) **450 Golden Gate Avenue**
) **San Francisco, California 94102**
)

I, Patrick R. Kitchin, declare:

1. I am an attorney at law licensed to practice before the Courts of the State of California,
 2 and am admitted to this Federal District Court. I serve as class counsel in this case, and make this
 3 declaration based on personal knowledge.

1 2. Attached as Exhibit 1 is a true and correct copy of correspondence I sent to Polo's lead
2 counsel, William Goines, on August 8, 2008.

3 3. Attached as Exhibit 2 is a true and correct copy of an email I sent to Mr. Goines on
4 August 14, 2008.

5 4. Attached as Exhibit 3 is Plaintiffs' proposed post card notice. The first page is the front
6 side of the post card and will include the class members' names and addresses, plus a tracking
7 code used by Rosenthal & Company to expedite mailing. The second page will be printed on the
8 back of the post card.

9 5. Attached as Exhibit 4 is Plaintiffs' proposed long form notice, which will be lodged on
10 www.poloclassaction.com.

11 6. Attached as Exhibit 5 is a true and correct copy of Rosenthal & Company's firm C.V.

12 7. I have not received a response to my requests to Polo's counsel regarding these notice
13 forms.

14 8. I have made several requests to Polo's counsel to provide my office with contact
15 information for the class members, including their last known addresses, telephone numbers and
16 Social Security Numbers. Plaintiffs have also made this request formally through written
17 discovery. While Polo's counsel, William Goines, has stated that Polo is working on obtaining
18 contact information, excluding the Social Security Numbers, he has only stated that they expect to
19 be able to produce the data in "early September." Polo previously produced redacted data showing
20 the names and other work history data on class members. Polo has not informed me of any reason
21 contact information cannot be produced now. Based on my discussions with Mr. Goines, it
22 appears that Polo is delaying the production of the information on class members until Polo has
23 finished compiling data relating to wages paid. Despite my request that Polo produce contact
24 information on class members on a rolling basis, that is, to produce data that is readily available
25 now, Polo appears to be holding up all discovery responses until it can compile the wage and time
26 keeping data Plaintiffs have also requested.

1 9. I have explained to Mr. Goines that Social Security Numbers of class members will
2 provide us with our best chance of reaching the vast majority of class members due to the added
3 strength of performing skip trace research based on credit header research.

4 10. My office will protect the confidentiality of the Social Security Numbers of class
5 members, who are, of course, our clients. The data will only be used for purposes of locating class
6 members and will be provided to Rosenthal & Company under the protections of the Protective
7 Order in place in this lawsuit.

8 I declare or affirm under penalty of perjury under the laws of the United States of
9 America that the foregoing is true and correct and that this declaration was made on August
10 19, 2008, in San Francisco, California.

11 /s/ Patrick R. Kitchin
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Exhibit 1

THE LAW OFFICE OF
PATRICK R. KITCHIN

August 8, 2008

Via Facsimile and U.S. Mail

Mr. William Goines, Esq.
Greenberg Traurig, LLP
1900 University Avenue, 5th Floor
East Palo Alto, CA 94301

Re: *Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.*
Case Number C 07-02780 SI

Dear Bill:

Enclosed is a long-form notice of pendency of class action we wish to provide to the class at this time.¹ The long-form notice will be lodged on our informational website, www.poloclassaction.com. Class members will be mailed a post card notice, also enclosed, which directs them to visit our website for further information. We have tried to make the notices as straightforward and neutral as possible, but I would welcome any suggestions you might have regarding content issues.

If we can agree on the notice forms, I would like to file a Stipulation and Proposed Order for the Court's review and approval. (A proposed Stipulation is enclosed.) I propose we provide class members 45 days from the date of mailing to mail opt out notices. We would like to get this Stipulation to the Court by the end of next week.

To ensure that notice is received by all members of the class, Rosenthal & Company will need the Social Security Numbers of our clients. As we have discussed, the Social Security Numbers will give us the best chance of locating all class members. Of course, we will institute measures to ensure our clients' Social Security Numbers are protected from disclosure to anyone other than our offices and Rosenthal's firm.

Very truly yours,

Patrick R. Kitchin

Enclosures

¹ We intend to use Rosenthal & Company as the class administrator for this project.

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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

17 ANN OTSUKA, an individual; JANIS KEEFE,) Case No.: C-07-02780 SI
 18 an individual; CORINNE PHIPPS, an)
 19 individual; and JUSTIN KISER, an individual;) **STIPULATION AND [PROPOSED]**
 20 individually and on behalf of all others similarly) **ORDER RE CLASS NOTICE**
 21 situated, RENEE DAVIS, an individual;)
 22 individually and on behalf of all others similarly)
 23 situated)
 24)
 25 Plaintiffs,)
 26 vs.)
 27)
 28 POLO RALPH LAUREN CORPORATION; a)
 29 Delaware Corporation; POLO RETAIL, LLC., a)
 30 Delaware Corporation; POLO RALPH) **JUDGE: Hon. Susan Illston**
 31 LAUREN CORPORATION, a Delaware) **LOCATION: Courtroom 10, 19th Floor**
 32 Corporation, doing business in California as) **450 Golden Gate Avenue**
 33 POLO RETAIL CORP; and FASHIONS) **San Francisco, California 94102**
 34 OUTLET OF AMERICA, INC., a Delaware)
 35 Corporation)
 36)
 37 Defendants.)
 38)

17 Based on the stipulation of counsel to the parties and good cause appearing, IT IS
 18 HEREBY ORDERED that Plaintiffs are granted permission to provide notice of pendency of this
 19 class action to members of the certified class in the forms set forth in Exhibits 1 and 2 to this
 20 Stipulation and Order.

1 A post card class notice of pendency, in the form of Exhibit 1, may be mailed to class
2 members through claims administrator Rosenthal & Company, LLC. Rosenthal & Company will
3 determine the current mailing addresses of class members by first running a United States Postal
4 Service Notice of Address Change search based on the last known addresses provided by
5 Defendants. Plaintiffs' counsel will attempt to locate class members whose notices are returned as
6 undeliverable by conducting credit header searches through Merlin Information Services' secure
7 credit header database. Rosenthal & Company will re-mail the post card notices to all addresses
8 identified through the credit header database.

9 Class members shall have 45 days from the date the notices are mailed to provide notice of
10 their desire to opt out of the class by mailing a notice of opt out to class counsel.

11
12 Dated: _____

13 HON. SUSAN ILLSTON
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1 IT IS HEREBY STIPULATED by and between the parties hereto, through their
2 respective attorneys of record, and with the Court's permission, that Plaintiffs may provide
3 notice of pendency of this class action in the forms of Exhibits 1 and 2.

4
5 Dated: August __, 2008

The Law Office of Patrick R. Kitchin

6
7 By: _____
8

9
10 Patrick R. Kitchin, Esq.
11
12 Attorneys for Plaintiffs' Class

13 Dated: August __, 2008

14 Greenberg Traurig, LLP
15
16 By: _____
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18 William J. Goines, Esq.
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29 Attorneys for Defendants Polo Ralph Lauren
30 Corporation; Polo Retail, LLC; Polo Ralph
31 Lauren Corporation, doing business in
32 California as Polo Retail Corporation; and
33 Fashions Outlet of America, Inc.

IMPORTANT LEGAL NOTICE

**FORMER EMPLOYEES OF
POLO RALPH LAUREN
CORPORATION AND ITS
AFFILIATED COMPANIES
IN CALIFORNIA**

***PLEASE READ OTHER SIDE
TO LEARN ABOUT YOUR
LEGAL RIGHTS***

YOUR LEGAL RIGHTS

According to our records you are a member of a class for whom a class action has been filed in Federal Court, entitled *Otsuka, et al., v. Polo Ralph Lauren Corporation, et al.*
Case No. C 07-02780 SI (USDC, ND CA).

Class members are former sales associates or cashiers who worked for Polo Ralph Lauren Corporation, Polo Retail, LLC, or Fashions Outlet of America, Inc. in a retail or outlet store in California between May 30, 2002 and the present. This lawsuit seeks monetary recovery for unpaid wages.

To learn more about this Class Action, including your right to opt out of the class, visit: www.poloclassaction.com.

This postcard is only a brief summary of the full Notice that is posted on the website. You may also obtain the full Notice by contacting:

Patrick R. Kitchin, Esq.
The Law Office of Patrick R. Kitchin
565 Commercial Street, Fourth Floor
San Francisco, CA 94111
415.677.9058
prk@kitchinlegal.com

THIS NOTICE AFFECTS YOUR LEGAL RIGHTS. PLEASE READ IT CAREFULLY.

NOTICE OF PENDENCY OF CLASS ACTION

NOTICE TO FORMER EMPLOYEES OF POLO RALPH LAUREN CORPORATION, POLO RETAIL, LLC, AND FASHIONS OUTLET OF AMERICA, INC. IN CALIFORNIA

Our records show you are a member of a class for whom a class action has been filed in the United States District Court for the Northern District of California, entitled *Otsuka, et al., v. Polo Ralph Lauren Corporation, et al.*, Case No. C 07-02780 SI. This is a lawsuit brought on behalf of former employees of Polo Ralph Lauren Corporation, Polo Retail, LLC, and Fashion Outlets of America, Inc. The class representatives are Janis Keefe, Corinne Phipps and Renee Davis, all former employees of the defendants.

Who are members of the Class?

Class members are former sales associates and cashiers/customer service representatives who worked at a Polo Ralph Lauren Corporation, Polo Retail, LLC, and/or Fashion Outlets of America, Inc. retail or outlet store in California between May 30, 2002 and the present. This case is a class action that seeks monetary recovery of unpaid wages, including unpaid overtime wages, waiting time penalties and punitive damages.

What is the lawsuit about?

Plaintiffs allege defendants violated California's employment law and failed to pay their employees all of their wages. Defendants deny the allegations in the Complaint and assert they followed California law. The Court has not yet determined whether the plaintiffs' or the defendants' contentions are correct.

What are the specific claims?

- Failure to pay employees for off-the-clock time spent inside the stores, including time employees spent waiting for loss prevention or "bag check" inspections
- Failure to allow employees to take all of their rest breaks
- Failure to pay premium overtime wages
- Failure to timely pay all wages due at the end of employment
- Failure to maintain accurate pay records
- Misclassification of sales employees as being exempt from premium overtime pay

Class Action Ruling

The Court has ruled that this lawsuit may be maintained by the representative plaintiffs on behalf of the following class:

"All former sales associates and cashiers who were employed in defendants' retail and outlet stores in the state of California between May 30, 2002 and the conclusion of this action." The Court also certified two subclasses of former employees of defendants:

1. "All members of the class who were sales associates and were misclassified as exempt inside commissioned salespeople."
2. All members of the class who were sales associates from whom the defendants took back earned wages through its arrears program."

Estimated Recovery

Plaintiffs seek to recover back wages, including unpaid overtime wages, civil penalties and punitive damages, as well as interest on these amounts, attorney's fees and litigation costs. Individual class member's recoveries will depend on several factors, including the amount of time the class members worked for the defendants.

Rights and Obligations of Class Members

If you fall with the definition of the class, you will automatically become a class member in this lawsuit. **If you wish to be a member of the class, you do not need to do anything further at this time, and you should NOT SEND an exclusion request.**

As a class member:

- You will be represented by the named class representatives and the attorneys representing the class. You will not be charged for this representation. If the plaintiffs win, plaintiffs' counsel will ask the Court that they be paid reasonable compensation for their representation of the class. However, you may enter an appearance through your own attorney, or on your own, by mailing a Notice of Appearance to the Clerk of the Court, 450 Golden Gate Avenue, 16th Floor, San Francisco, CA 94102. You may also ask the Court for permission to appear as named class co-representative.
- You will receive notice of any rulings affecting your membership in the class and notice of any proposed settlement or dismissal of class claims or any judgment rendered.
- You will be bound by a judgment or other final disposition of the class lawsuit, whether that disposition is favorable or not.
- You will participate, upon meeting any prerequisites set by the Court, in a distribution of any monetary damages recovered in the litigation.
- You should retain all records and documents pertaining to the subject matter of this case, including all wage and employee documents.

- You should notify plaintiffs' counsel, by email to prk@kitchinlegal.com, of any change in your mailing address or email address.
- You will be deemed to have consented to defendants' disclosing certain personally identifiable information about you from defendants' records to counsel for the class so they may represent you and determine the amount of any monetary recovery to which you may be entitled.

Election to Not Participate in the Class ("Opting Out")

If you want to be excluded from the class, you must send a written notice of your intent to exclude yourself from the class, with the information below, by mail postmarked no later than _____, 2008, to: The Law Office of Patrick R. Kitchin, 565 Commercial Street, Fourth Floor, San Francisco, CA 94111.

Please include your full name, your social security number, your current mailing address, phone number, email address, and a statement that you wish to be excluded from the *Otsuka v. Polo Ralph Lauren* lawsuit.

The choice to exclude yourself from the class has certain consequences, and you may wish to consult an attorney regarding this choice. If you elect to be excluded: (1) you will not be bound by any judgment in the case and will retain any claims you may have against defendants, subject to applicable statutes of limitations, and (2) you will not share in any monetary or other recovery that might be paid if the class representatives are successful in trial or from any settlement.

Status and Further Information

This lawsuit may continue on for a year or more. If you have any questions concerning the matters in this notice, or if you have corrections or changes to your name or address (so future notices about this case will reach you), please contact plaintiffs' counsel at The Law Office of Patrick R. Kitchin, 565 Commercial Street, Fourth Floor, San Francisco, CA 94111, prk@kitchinlegal.com, (415) 677-9058.

The pleadings and all other records of this litigation may be examined and copied any time during the regular office hours in the office of the Clerk of the Court at the Clerk of the Court, 450 Golden Gate Avenue, San Francisco, CA 94102.

DO NOT CALL OR WRITE THE COURT FOR ADDITIONAL INFORMATION ABOUT THE CASE.

Exhibit 2

Patrick R. Kitchin

From: Patrick R. Kitchin
Sent: Thursday, August 14, 2008 4:26 PM
To: 'goinesw@gtlaw.com'
Cc: 'Nancy Hudgins'
Subject: RE: Polo Class Action

Bill,

When can I expect to have last known addresses, and telephone numbers for the class? Also, we need to get our post card notice to the printers, so I need to know if you have any concerns with the language.

Thanks,

Patrick

The Law Office of Patrick R. Kitchin
565 Commercial Street, 4th Floor
San Francisco, CA 94111
Phone: (415) 677-9058
Fax: (415) 627-9076
www.kitchinlegal.com

The information in this e-mail and any attachments is confidential and intended solely for the attention and use of the named addressee(s). This information may be subject to legal, professional or other privilege or may otherwise be protected. It must not be disclosed to any person without our authority. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are not authorized to, and must not, disclose, copy, distribute or retain this message or any part of it.

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department regulations, we inform you that any U.S. federal tax advice contained in this correspondence (including any attachments) is not intended to be used, and cannot be used, for the purpose of (i) avoiding penalties that may be imposed under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

From: goinesw@gtlaw.com [mailto:goinesw@gtlaw.com]
Sent: Thursday, August 14, 2008 2:31 PM
To: Patrick R. Kitchin
Subject: RE: Polo Class Action

We were and I am sorry. I have to file a Reply Brief by 2:30.

I spoke with Beth and Joanne this morning and Beth hopes to have the Trade winds time card data for the full price stores soon. I have another call with her Monday but she indicates she has gathered it for the full price stores and is auditing it now. After that she will move on to the outlets. Polo has also found the data base for pre Trade winds for the full price stores and IT is working on the data extraction issue. More on that next week.

Joanne is working on the "modified" 260 data and is looking to having it in a format that can be produced in early September along with the "last known" information for the class.

I have another follow up call for Monday and have been working with other groups for materials. Hopefully I will speak with Ravi tomorrow to see what he has accomplished.

William J. Goines
Greenberg Traurig, LLP
Silicon Valley Office

1900 University Avenue, 5th Floor
East Palo Alto, CA 94303
Direct: 650-289-7860
Phone: 650-328-8500 x:7860
Direct Fax: 650-462-7860
goinesw@gtlaw.com
www.gtlaw.com

From: Patrick R. Kitchin [mailto:prk@investigationlogic.com]
Sent: Thursday, August 14, 2008 1:13 PM
To: Goines, William (Shld-SV-LT)
Subject: Polo Class Action

Bill,

Weren't we were scheduled to talk at 11?

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The information in this e-mail and any attachments is confidential and intended solely for the attention and use of the named addressee(s). This information may be subject to legal, professional or other privilege or may otherwise be protected. It must not be disclosed to any person without our authority. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are not authorized to, and must not, disclose, copy, distribute or retain this message or any part of it.

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department regulations, we inform you that any U.S. federal tax advice contained in this correspondence (including any attachments) is not intended to be used, and cannot be used, for the purpose of (i) avoiding penalties that may be imposed under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. To reply to our email administrator directly, please send an email to postmaster@gtlaw.com.

Exhibit 3

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Exhibit 4

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- You will participate, upon meeting any prerequisites set by the Court, in a distribution of any monetary damages recovered in the litigation.
- You should retain all records and documents pertaining to the subject matter of this case, including all wage and employee documents.

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- You will be deemed to have consented to defendants' disclosing certain personally identifiable information about you from defendants' records to counsel for the class so they may represent you and determine the amount of any monetary recovery to which you may be entitled.

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Please include your full name, your social security number, your current mailing address, phone number, email address, and a statement that you wish to be excluded from the *Otsuka v. Polo Ralph Lauren* lawsuit.

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The pleadings and all other records of this litigation may be examined and copied any time during the regular office hours in the office of the Clerk of the Court at the Clerk of the Court, 450 Golden Gate Avenue, San Francisco, CA 94102.

DO NOT CALL OR WRITE THE COURT FOR ADDITIONAL INFORMATION ABOUT THE CASE.

Exhibit 5

Rosenthal & Company LLC

300 Bel Marin Keys Blvd., Suite 200, Novato, CA 94949
Ph: 415-884-1100 or 800-211-5201
Fax: 415-382-6565
web: www.RosenthalCo.com
e-mail: DanR@RosenthalCo.com

ROSENTHAL & COMPANY LLC

CLASS ACTION SETTLEMENT ADMINISTRATORS

Rosenthal & Company specializes in providing notice and administering settlements relating to:

Antitrust Matters
Employment
Insurance Services
Toxic Settlements

Consumer Products and Services
Financial Services
Securities Litigation

This brochure provides background information about our company and summarizes how we administer class action settlements.

BACKGROUND

Rosenthal & Company was founded by Dan Rosenthal in April 2000. Previously, Dan was Managing Director of a leading settlement administration company, where he developed the methodology, computer systems and staff to manage the company's Consumer class action administrations since 1988.

Since the beginning, Rosenthal & Company has recruited the best people to manage the functions of Operations, Information Technology and Settlement Fund Accounting. Our company now has more than seventy staff members consisting of experienced claims administration professionals, claims processing and call center support specialists, data management and telephone system experts and skilled computer/Internet programmers.

In our first six years, we have been retained to administer over 600 settlements and notice procedures, with an aggregate settlement amount well over 2 billion dollars. Over the years, the Rosenthal team has collectively managed hundreds of administrations for class action settlements, Attorneys General, District Attorneys and Equal Employment Opportunity Commission cases. We now have been appointed to administer cases with class members that range in numbers from under 22 to over 22 million.

OUR ADMINISTRATION PROCEDURES

The Plan

The Rosenthal & Company methodology for claims administration begins with the planning process. We pre-plan all facets of an administration: setting up the class member database; designing, printing and mailing notices and claim forms; publishing summary notices; setting up and managing telephone response systems; address searches; claims processing; claimant communications; settlement distributions; and final accounting. Our job is to take care of the details and keep you informed about the progress of your case.

When we first discuss a pending administration with you, we offer our thoughts about how it would best be implemented. Then we develop the plan specifics, and provide you with a written proposal including a description of the work to be performed, its cost and timing. Based on our experience, we include an estimate of the number of claims that might be filed.

Class Member Database Setup/Case Management System

We translate the class member data into our case management system. When necessary, we consolidate data in the notice list by removing duplicate names and addresses and retaining the information pertinent to the claims. Prior to mailing we update the addresses using the National Change of Address system.

Our case management system tracks communications to and from all class members, the status of all claims received, and all disbursements. This is a dynamic system that is constantly updated as new class member information is developed.

Notice and Claim Form Design, Printing and Mailing

Our recommended claim form design incorporates pre-printing class members' names and addresses, as well as all other information pertinent to the claim. By pre-printing this information, we are able to significantly reduce claims processing time and cost, and to significantly increase processing accuracy.

We format the notice and claim form and proof-read them before presenting them for your approval. Once approved, the notices and claim forms are printed and mailed by the most efficient method available.

We take pride in designing notices in ways to minimize printing and postage costs while at the same time maximizing readership and readability.

Summary Notice Publication

DANART Communications, a division of Rosenthal & Company, is our in-house advertising agency. Since 1986, DANART has planned and purchased media space and time for more than 1,000 class action cases. We plan media schedules, negotiate rates, set type, write and record scripts, and produce the materials for insertion in newspapers and magazines, for airing on broadcast stations worldwide and for dissemination on the Internet. We also obtain the affidavits of publication and provide declarations documenting the published notices.

E-Mail Notification

Sending notices via e-mail can be an inexpensive way to provide large classes with notices and claim forms. We would like to share our e-mail notification experience with you.

Web Site Development and Maintenance

We have full capabilities to develop web sites for notification and claim form dissemination, including the technology to file claims on line as well as to capture names and addresses which are then pre-printed on the downloaded claim forms.

Class Member Address Searches

As required, we conduct address searches for returned undelivered mail by accessing credit bureau header record data as well as demographic information on CD ROMs and various Internet web sites.

Telephone Support Systems

We customize our Call Center operations to handle class member requests for information and claimant inquiries regarding filed claims. Our telephone support specialists have instant access to all class member and claimant information while on-line with callers. For large volume cases, we work with a number of vendors who provide automated voice-response systems for information dissemination and claim form requests. We also have foreign language capabilities in all of our telephone support systems.

Claims Processing

Our claims procedures have been developed over the past eighteen years. At the heart of these procedures are experienced Case Managers, well-trained staff and our case management software that provides all the details for every class member at the press of a button.

Throughout the claims procedure, statistics are reported to the parties on a weekly basis. These statistics include the number of notices mailed, mail received, claims processed, and claims paid. Our reports can also include any other metric that is appropriate for your particular case.

Settlement Funds Management

With your input, we develop an investment strategy and plan for your approval, set up the checking and interest-bearing accounts and/or investment vehicles, and track all deposits, interest earned and disbursements. We provide you with a monthly accounting of the funds, and when the administration has concluded we provide you with a complete financial accounting including the sources and uses of all funds and a listing showing the amounts disbursed by recipient.

Payment of Claims -- Issuing Checks and Coupons

Checks are printed on 8 1/2" x 11" safety paper stock, with the check on the top one-third and a transmittal letter on the bottom two-thirds. Unless required otherwise, the accounts are maintained at the Bank of America, and the bank's "Positive Pay" system is employed to detect fraudulently cashed checks.

Our banking systems are set up to download cash check information from the bank on a weekly basis. In this way, we know which checks have cleared the bank as of the previous week. This is especially helpful when claimants call regarding lost checks. We reissue checks as needed.

We design and implement coupons with built-in fraud prevention, and can provide in-house systems and procedures for coupon redemptions.

Tax Return Preparation and Filing

Rosenthal & Company employs Certified Public Accounting firms that specialize in settlement fund taxation to prepare the required settlement fund Federal and State income tax returns and to provide advice regarding settlement fund allocations.

SELECTED CASES ADMINISTERED BY ROSENTHAL & COMPANY

Rosenthal & Company has been appointed to administer and/or provide notice for the following settlements, among many others:

Consumer Products and Services:

Apple iPod Cases
 Buzby v. Best Buy Stores
 Howard et al. v. Ford Motor Company
 Mikhail v. Toshiba America
 Polasek v. Debtfocused Consumer Counseling
 Tuck v. Whirlpool Corp. & Sears, Roebuck & Co.

Bayhille v. Jiffy Lube
 Chamberlain v. Ford Motor Company
 Jin v. Toshiba America
 Mink v. Maytag Corporation
 Sternberg & Gordon v. Apple Computer, Inc.
 UCAN v. Capital One Bank

Antitrust Cases:

California Art Commission Cases
 California Carbon Fiber Cases
 California Flat Glass Cases
 California Indirect Purchasers MSG Antitrust Cases
 California Polychloroprene Cases
 eMag Solutions v. Toda Kogyo Corp.
 Mercedes Dealers Antitrust Litigation

California Automotive Refinishing Paint Cases
 California Environmental Technologies Cases
 California High Fructose Corn Syrup Cases
 California Methionine Cases
 California Sorbate Prices Cases
 Fox & Lowell v. American Cyanamid Company
 PRK / Lasik Consumer Litigation

Financial Services:

Cervantes v. Mitsubishi Motors Credit
 Cope v. Bank One Corporation
 Nickel v. Bank of America
 Prata v. GE Capital Corp.
 Sullivan v. Shearson CA Raddison Plaza Partners

Collins v. Chrysler Financial Company
 Edell v. Bank of America
 Prata v. Bank One, N.A.
 Seaman v. Wells Fargo
 Von Tress v. Norwest Mortgage, Inc.

Insurance Cases:

Enfield v. Old Line Life Insurance
 Gularite v. Fremont Life
 Loma Linda v. Farmers Insurance
 Nellis v. Farmers Insurance
 Semler v. Pacific Life Insurance

Forestiere v. West Coast Life Insurance
 Johnson v. Property and Casualty Insurance
 Medi-Cal Outpatients Cases
 Nellis v. Mid-Century Insurance
 Wilson v. Mercury Casualty Company

Securities Class Actions:

Network Associates Securities Litigation

Transmeta Corporation Securities Litigation

Employment Cases:

Albrecht v. Rite Aid
 Bates v. UPS
 Boleyn v. The GAP
 Frank v. United Airlines, Inc.
 Gladfelder v. Sears
 Mitchell v. Metropolitan Life Ins. Co.
 Nash v. Olive Garden
 Sweeny v. Silicon Graphics Inc
 Zuckman v. Allied-Nationwide

Archie v. UPS
 Bell v. Farmers Insurance Exchange
 Carr & Shields v. Starbucks Corporation
 Gianetto v. Computer Science Corporation
 Maloney v. Bank of America
 McKinnon v. Best Buy Stores
 Olivas et al. v. Smart & Final Stores
 Whittington v. Home Depot

Attorneys General and District Attorneys:

Multistate Publishers Clearing House Settlement
 People v. American Supply

North Carolina AG v. The Associates
 People v. Gloria Marshall America, Inc.

Toxic Settlements

Ajax Boiler & Heater Co.

Rhodes v. MBA Polymers, Inc.